

BARNES & THORNBURG LLP

11 South Meridian Street  
Indianapolis, Indiana  
46204  
(317) 236-1313  
(317) 231-7433 Fax

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

*Customer No.* 23643

*Group:* 1657

*Confirmation No.:* 1287

*Application No.:* 10/775,647

*Invention:* **Gastric submucosal tissue as a novel  
diagnostic tool**

*Applicant:* Stephen Badylak, et al.

*Filed:* February 10, 2004

*Attorney Docket:* 3220-74581

*Examiner:* Vera Afremova

ELECTRONICALLY FILED  
ON:  
December 19, 2008

**RESPONSE TO ELECTION OF SPECIES**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

This submission is in response to the phone interview Applicants' undersigned attorney had with the Examiner on December 11, 2008 and this submission is in response to the office action issued by the Examiner with a mailing date of November 19, 2008.

Applicants do not believe that any fees are required with this response. If any fees are required, the Commissioner is authorized to charge the same to the account of Barnes & ThornburgLLP, Deposit Account No. 10-0435, with reference to our matter 3220-74581.

**The Claims begin on page 2 of this response.**

**The Remarks begin on page 4 of this response.**